

Docket No. 242334US0



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Narutoshi FUKUZAWA

SERIAL NO: 10/657,244

GAU: 2635

FILED: September 9, 2003

EXAMINER: MUHAMMED, A.S.

FOR: OPTICAL RECORDING MEDIUM AND OPTICAL RECORDING/REPRODUCING METHOD

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Petitioner, TDK CORPORATION, is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 10/657,205, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application Serial No. 10/657,205, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Your Petitioner does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 10/657,205 in the event that any said issued patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned, certify that I am an individual empowered to act on behalf of petitioner, TDK CORPORATION, the assignee of the entire right, title and interest of the above-captioned application by virtue of an assignment from the inventor(s) of said application, a copy of the Assignment is attached hereto, and said copy is a true and accurate copy of the Assignment as filed in the U.S. Patent and Trademark Office.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.

Richard L. Treanor
Registration No. 36,379

3/26/07

Date Signed

Customer Number

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Assignment of Application

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WHEREAS, I (WE) Narutoshi FUKUZAWA, c/o TDK Corporation, 1-13-1, Nihonbashi, Chuo-ku,
Tokyo 103-8272, Japan

**INSERT NAMES
AND RESIDENCE
ADDRESS OF
THE INVENTORS:**

**INSERT TITLE
OF INVENTION:**

_____ , respectively,
have invented certain new and useful improvements in: OPTICAL RECORDING MEDIUM AND OPTICAL
RECORDING/REPRODUCING METHOD

**INSERT DATE IN-
VENTORS SIGNED
DECLARATION:**

for which an application for Letters Patent was executed on August 20, 2003
(Application No. 10/657,244, filed September 9, 2003), and

**INSERT NAME
AND ADDRESS OF
COMPANY OR
OTHER ASSIGNEE**

WHEREAS, TDK Corporation
(hereinafter referred to as "ASSIGNEE") having a place of business at: 1-13-1, Nihonbashi, Chuo-ku, Tokyo
103-8272, Japan

is desirous of acquiring the entire right, title and interest in and to said invention and in and to any Letters Patent that may be granted therefore in the United States and its territorial possessions and in any and all foreign countries;

NOW, THEREFORE, in consideration of the sum of FIVE DOLLARS (\$5.00), the receipt whereof is hereby acknowledged, and for other good and valuable consideration, I (WE), by these presents do sell, assign and transfer unto said ASSIGNEE, the full and exclusive right to the said invention in the United States and its territorial possessions and in all foreign countries and the entire right, title and interest in and to any and all Letters Patent which may be granted therefor in the United States and its territorial possessions and in any and all foreign countries and in and to any and all divisions, reissues, continuations, substitutions and renewals thereof.

I (WE) hereby authorize and request the Patent Office Officials in the United States and its territorial possessions and any and all foreign countries to issue any and all of said Letters Patent, when granted, to said ASSIGNEE as the assignee of my (our) entire right, title and interest in and to the same, for the sole use and behoof of said ASSIGNEE, its (his) successors and assigns, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by me (us) had this Assignment and sale not been made.

Further, I (WE) agree that I (WE) will communicate to said ASSIGNEE or its (his) representatives any facts known to me (us) respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuation, substitute, renewal and reissue applications, execute all necessary assignment papers to cause any and all of said Letter Patent to be issued to said ASSIGNEE, make all rightful oaths, and, generally do everything possible to aid said ASSIGNEE, its (his) successors and assigns, to obtain and enforce proper protection for said invention in the United States and its territorial possessions and in any and all foreign countries.

The undersigned hereby grant(s) the firm of Oblon, Spivak, McClelland, Maier & Neustadt, P.C. of 1940 Duke Street Alexandria, Virginia 22314 the power to insert on this assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date: August 20, 2003

Narutoshi Fukuzawa
(Signature of Inventor) Narutoshi FUKUZAWA

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

Date: _____

(Signature of Inventor)

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
ATTORNEYS AT LAW
1940 DUKE STREET
ALEXANDRIA, VIRGINIA 22314